HIGH COURT OF UTTARANCHAL AT NAINITAL

(Court's order whether the case is or not approved for reporting.)

(Chapter VIII Rule 32 (b)

Description of the case

W.P. No. 504 (S/S) of 2005
Gainda Lal S/o Sri Param Lal

Vs.

Joint Director Education Nainital & others.

Approved for reporting.

Not approved for reporting

Date of decision 05.5.2005

Initial of Judge

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

W.P. No. 504 (SS) of 2005

Gainda Lal, S/o Sri Param Lal
Aged 44 years,
Working as Principal
Primary School Khajuri, Okhalkanda,
District Nainital. …….Petitioner.

Versus

1. Joint Director Education, Nainital.
2. Basic Shiksha Adhikari, Udham Singh Nagar.
3. Basic Shiksha Adhikari, Nainital.

……Respondents.

Sri S.S. Yadav, learned counsel for the petitioner.
Learned Standing counsel for the respondents.

Hon'ble Rajesh Tandon, J.

Both the parties have agreed that let the writ petition be disposed of finally in terms of the prayer for consideration of the representation of the petitioner for relieving him.

By means of this petition, the petitioner, who is presently working as Principal in Primary School, District Nainital has prayed for a writ, order or direction in the nature of mandamus directing the respondents to relieve the petitioner for district Udham Singh Nagar from district Nainital on the vacant post of Assistant Teacher according to his option.

Contention of the petitioner is that he was appointed as Assistant Teacher in Primary Schools in district Nainital. In the year 1995 a new district, namely, Udham Singh Nagar was bifurcated from district Nainital. At the time of bifurcation, the petitioner was teaching in district Nainital, therefore, options

was invited from the petitioner and they have opted for district Udham Singh Nagar. The respondent no. 2 has prepared a list in which name of the petitioner is at Serial No. 6. The petitioner has made various representations before the authority concerned praying for relieving him for the district, which he has opted. Till date, the respondents have not taken any decision on the representation of the petitioner for relieving him to district Udham singh Nagar.

Learned counsel for the petitioner has also pointed out that the similar matter in Writ No. 837 of 2004 a direction has been made for considering the representation in the light of the option given on the bifurcation of the district.

In view of the aforesaid facts, I direct the Joint Director of Education (Basic) Kumaon Division, Nainital to decide the representation moved by the petitioner within a period of four weeks from the date of receipt of a certified copy of this order. The petitioner is directed to place the copy of this order along with his representation before the Joint Director of Education (Basic), Kumaon Region, Nainital/ In-charge Regional Basic Schools, Kumaon Mandal within two weeks from today.

With these directions, writ petition is disposed of finally.

(Rajesh Tandon, J.)

Dated: 05.05.2005

Rathour